

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNION MANOR,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:23CV1302 JAR
)	
SOCIAL SECURITY ADMINISTRATION,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on Defendant Social Security Administration’s Motion to Dismiss for Lack of Jurisdiction. ECF No. 10. Defendant argues that Plaintiff Union Manor’s Complaint should be dismissed in its entirety because this Court lacks subject-matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1) for the following reasons: Plaintiff’s tortious interference claims are barred under the Federal Tort Claims Act (FTCA); Plaintiff failed to exhaust its administrative remedies under the FTCA; even if Plaintiff had exhausted its administrative remedies under the FTCA, its claim is barred by the two-year statute of limitations for claims under the FTCA; and, applicable regulations specifically bar judicial review of the agency’s discretionary decision to remove Plaintiff as a representative payee. Defendant also attached a declaration of its attorney, under the penalty of perjury, in support of its motion.

Defendant filed its motion on December 18, 2023. To date, Plaintiff Union Manor has not filed any response, and the deadline to do so has passed. Therefore, the Court will rule on the motion as unopposed. For the reasons stated in the instant motion, the Court finds that Defendant’s motion to dismiss is well-taken.


Accordingly,

IT IS HEREBY ORDERED that Defendant's Unopposed Motion to Dismiss for Lack of Jurisdiction [ECF No. 10] is **GRANTED**.

IT IS FURTHER ORDERED that this case is dismissed for lack of subject matter jurisdiction.

A separate Order of Dismissal will accompany this Memorandum and Order.

Dated this 25th day of January, 2024.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE